

SENATE BILL 1353

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 47 and Title 55, relative to the retention of
forms of identification.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Express consent" means consent in writing or consent conveyed electronically that bears an electronic signature as defined in 15 U.S.C. § 7006(5); and

(2) "Identification":

(A) Means a valid identification document that bears the name and photograph of a person and that is issued by a federal, state, or local agency authorized to issue identification credentials; and

(B) Includes a valid driver license or permit, photo identification, or social security card.

(b) A business entity or its agents, employees, or contractors shall not retain a copy, in an electronic or other format, of a person's identification unless the retention of that copy is specifically required by federal or state law, or the business entity or its agent, employee, or contractor obtains the express consent of the holder of that identification.

(c) A business entity or its agents, employees, or contractors shall not refuse to transact business with a person solely on the basis that the person refuses to provide

express consent to the business entity or its agent, employee, or contractor retaining a copy of the person's identification, unless federal or state law specifically requires that retention.

(d) This section does not apply to a governmental agency, or a contractor, officer, or employee of that agency, in carrying out the agency's functions.

(e) This section does not prohibit a business entity or its agents, employees, or contractors from requesting a person to present a form of identification in its normal course of business.

(f) A violation of this section constitutes an unfair or deceptive act or practice affecting trade or commerce under § 47-18-104(a). In addition to the penalty provided in this subsection (f), a civil action for violation of this section may be brought under this part.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.